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Angie Darnell

REGULATIONS COMPILER

1 OFFICE OF ATTORNEY GENERAL

2 Office of Consumer Protection

3 (Repealer)

4 40 KAR 2:201. Repeal of 40 KAR 2:200.

5 RELATES TO: KRS 365.420

6 STATUTORY AUTHORITY: KRS 15.180, 365.420(7), 367.150(4)

7 CERTIFICATION STATEMENT: This is to certify that this administrative regulation repealer
8 complies with the requirements of 2025 RS HB 6, Section 8.

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General
10 to promulgate administrative regulations that will facilitate performing the duties and exercising
11 the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires
12 the Department of Law to recommend administrative regulations in the consumers' interest. KRS
13 365.420 requires the Attorney General to promulgate an administrative regulation to establish a
14 permit application and inventory itemization form relating to going out of business, fire, removal
15 and other KRS 365.415 sales. This administrative regulation repeals 40 KAR 2:200 which is
16 unnecessary due to a companion amendment to 40 KAR 12:500 which adopts an updated going
17 out of business, fire, removal and other KRS 365.415 sales application form.

18 Section 1. 40 KAR 2:200, Application for removal sale license form, is hereby repealed.

READ AND APPROVED



Stephen B. Humphress, Executive Director
Kentucky Office of Regulatory Relief
Office of Attorney General

February 20, 2026

Date



Russell Coleman, Attorney General
Department of Law

February 20, 2026

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 21, 2026, at 11:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this Office in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5481 fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: 40 KAR 2:201

Contact Person: Stephen B. Humphress

Phone Number: 502-696-5481

Email: steve.humphress@ky.gov

Subject Headings: Attorney General; County Clerks, Occupations and Professions; and Bonds

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 40 KAR 2:200.

(b) The necessity of this administrative regulation: This regulation is needed to repeal regulation 40 KAR 2:200.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 365.420 requires the Attorney General to promulgate an administrative regulation to establish a permit application and inventory itemization form relating to going out of business, fire, removal and other KRS 365.415 sales. Companion regulation amendments to 40 KAR 12:500 and 40 KAR 12:510 combine three (3) regulations into two (2) regulations to reduce the regulatory burden on regulated entities. 40 KAR 2:200 is no longer needed because of these companion amendments.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation reduces the regulatory burden on regulated entities by repealing an unneeded regulation: 40 KAR 2:200.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the repealer will change this existing administrative regulation: Not Applicable.

(b) The necessity of the repealer to this administrative regulation: Not Applicable

(c) How the repealer conforms to the content of the authorizing statutes: Not Applicable

(d) How the repealer will assist in the effective administration of the statutes: Not Applicable

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The repealed regulation, 40 KAR 2:200,

related to applicants seeking a going out of business sale or other KRS 365.415 licenses from county clerks. However, applicants and county clerks will not be affected by this administrative regulation repealer.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or repealer: County clerks and applicants for going out of business, fire, removal, and other KRS 365.415 sales licenses will not be required to take any action because of this administrative regulation repealer.

(b) In complying with this administrative regulation or repealer, how much will it cost each of the entities identified in question (4): County clerks and applicants will not incur any costs because of this administrative regulation repealer.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): County clerks and applicants will benefit from the lessening of their regulatory burden by the repeal of an unneeded administrative regulation.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no costs to implement this administrative regulation repealer.

(b) On a continuing basis: There are no continuing costs to implement this administrative regulation repealer.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There are no additional costs associated with implementing this administrative regulation repealer.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment. There is no anticipated increase in fees or funding necessary to implement this administrative regulation repealer.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increased any fees: This administrative regulation repealer does not directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? [Explain why or why not] No. All regulated entities are treated equally by the repeal of 40 KAR 2:200.

FISCAL IMPACT STATEMENT

Administrative Regulation #: 40 KAR 2:201

Contact Person: Stephen B. Humphress

Phone Number: 502-696-5481

Email: steve.humphress@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15.180, 367.150(4), and 365.420.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 1966 Ky. Acts ch. 60, sec. 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief (“Attorney General”) is the promulgating agency. The administrative regulation repealer does not affect any other state agencies.

(b) Estimate the following for each affected state unit, part, or division in (3)(a):

1. Expenditures:

For the first year: There are no expenditures to administer this administrative regulation repealer for the first year.

For subsequent years: There will be no expenditures to administer the administrative regulation repealer in subsequent years.

2. Revenues:

For the first year: This administrative regulation repealer will generate no revenues to the Attorney General for the first year.

For subsequent years: This administrative regulation repealer will generate no revenues to the Attorney General in subsequent years.

3. Cost Savings:

For the first year: The administrative regulation repealer will result in no cost saving to the Attorney General for the first year.

For subsequent years: The administrative regulation repealer will result in no cost savings to the Attorney General in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The repealed regulation, 40 KAR 2:200, related to county clerks who issued going out of business or other KRS 365.415 sales licenses. However, county clerks are not affected by this administrative regulation repealer.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: This administrative regulation repealer will not cause expenditures by any local entities for the first year.

For subsequent years: This administrative regulation repealer will not cause expenditures by any local entities in subsequent years.

2. Revenues:

For the first year: No local entities will receive any revenues from this administrative regulation repealer for the first year.

For subsequent years: No local entities will receive any revenues from this administrative regulation repealer in subsequent years.

3. Cost Savings:

For the first year: No local entities will receive any cost savings from this administrative regulation repealer for the first year.

For subsequent years: No local entities will receive any cost savings from this administrative regulation repealer in subsequent years.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The repealed regulation, 40 KAR 2:200, related to applicants seeking a going out of business or other KRS 365.415 sales license from county clerks. However, applicants are not affected by this administrative regulation repealer.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: This administrative regulation repealer will not cause any regulated entities to have any additional expenditures for the first year.

For subsequent years: This administrative regulation repealer will not cause any regulated entities to have any additional expenditures in subsequent years.

2. Revenues:

For the first year: No regulated entities will receive any revenues directly from this administrative regulation repealer for the first year.

For subsequent years: No regulated entities will receive any revenues directly from this administrative regulation repealer in subsequent years.

3. Cost Savings:

For the first year: No regulated entities will receive any cost savings directly from this administrative regulation repealer for the first year.

For subsequent years: No regulated entities will receive any cost savings in subsequent years.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation repealer: This administrative regulation repealer will have no fiscal impact. Companion regulation amendments to 40 KAR 12:500 and 40 KAR 12:510 combine three (3) regulations into two (2) regulations to reduce the regulatory burden on regulated businesses. 40 KAR 2:200 is no longer needed because of these companion amendments. The repealer does not affect county clerks, applicants, or any other governmental

agencies or local governments. For these reasons, the repealer is not expected to have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the fiscal impact.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation repealer will have a “major economic impact”, as defined by KRS 13A.010(13): There is not an expected “major economic impact” from this administrative regulation repealer for the Attorney General, any local government entities, or affected regulated entities.

(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation repealer. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative regulation repealer.

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MEMORANDUM

TO: Stephen B. Humphress, Executive Director, Office of Regulatory Relief

FROM: Ange Darnell, Regulations Compiler

RE: Proposed Amendment or New Regulation – 040 KAR 002:201.

DATE: February 24, 2026

A copy of the administrative regulation listed above is enclosed for your files. This regulation is **tentatively** scheduled for review by the Administrative Regulation Review Subcommittee at its **JUNE 2026** meeting. We will notify you of the date and time of this meeting once it has been scheduled.

Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration or a one-month extension request for this regulation is due **by noon on June 15, 2026**. Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures